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INQUIRY INTO THE SOURCES OF KARAITE HALAKAH

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THE causes of the Karaite schism and its early history are veiled in obscurity, as indeed are all the movements that originated in the Jewish world during the time between the conclusion of the Talmud Babli and the appearance of Saadia Gaon.

From the meager contemporary sources it would seem that from the second third of the eighth century until the downfall of the Gaonate (1038) the whole intellectual activity of Babylonian Jewry centered about the two Academies and their heads, the Geonim. Of the early Gaonic period the Jewish literature that has reached us from Babylonia is mainly halakic in character, e. g. *Halakot Gedolot*, *Sheeltot*, and works on liturgy, which afford us an insight into the religious life of the people. From them, however, we glean very little information about the inner life of the Jews in Babylonia before the rise of Karaism; hence the difficulty of fully understanding the causes which brought about the rise of the only Jewish sect that has had a long existence and has affected the course of Jewish history by the opposition it has aroused.

The study of sects always has a peculiar interest. During the thirties of the last century, the Karaites themselves made accessible to the scholarly world the works of

some of their latter-day authorities, and with the publication of Simḥah Pinsker's epoch-making work "*Likḳuṭe Qadmoniyyot*" (1860) the attention of Jewish scholarship was turned to Karaism and its literature. Pinsker, blinded by his discovery of an important phase in the development of Judaism, invented a pan-Karaite theory, according to which the Karaites are to be looked upon as the source of all intellectual achievement of mediæval Judaism (*Likḳuṭe*, I, 4, 32). The Masorah is a product mainly of theirs, and it is among them that we are to look for the beginnings of Hebrew grammar, lexicography, poetry, and sound biblical exegesis. The Rabbanites, since Saadia Gaon, were merely imitators of the Karaites. Pinsker believed that every Jewish scholar, prior to the eleventh century, who busied himself with the study of Bible alone, was a Karaite, and he transformed, accordingly, more than one Rabbanite into a Karaite.

The question of the origin of Karaism, its causes and early development is still awaiting solution. That Karaism is not the result of Anan's desire to revenge himself on Babylonian official Jewry, need not be said. Karaite literature affords us no data; there is a marked lack of historical sense among them. They have no tradition as to their origin, and their opinions are conflicting (comp. Pinsker, *Likḳuṭe*, II, 98). The belief that Karaism is but an echo of a similar movement during this period in the Islamic world is now generally given up owing to the advance made in the knowledge of the inner development of Islam and, particularly, the nature of the Shiite heterodoxy (see I. Friedlaender, *JQR.*, 1910, 185 ff.).

This question is bound up with the problem of the origin of the Karaite halakah which is of vital importance

for the understanding the history of Tradition; as Geiger (*ZDMG.*, XVI (1862), 716) says, it was always the differences in practice, not in dogma, that caused and sustained divisions in Israel. This is particularly true of the Karaites who differ in nothing but religious practices from the rest of Israel.

The solution offered by Geiger that the Karaites are the descendants of the Sadducees and their halakah Sadducean, is accepted with some modification by many scholars (comp. Poznański, *REJ.*, XLIV (1901), 169). On the other hand, the eclectic nature of the Karaite halakah was recognized by several scholars (comp. S. L. Rapoport in *Kerem Chemed*, V (1841), 204 ff., and in Kaempf's *Nichtandalusische Poesie*, 240; P. Frankl, *Ersch u. Gruber*, sec. II, vol. 33, 12; Harkavy, in Grätz' *Geschichte*, V.⁴, 482 ff.; *id.*, *Jahrbuch f. jüd. Geschichte u. Literatur*, II (1899), 116 ff., and elsewhere). No attempt was, however, made to explain the bulk of the Karaitic halakah, on these lines. I have therefore undertaken the work of tracing the individual Karaite laws to their respective sources, which will, at the same time, be the first exposition of the Karaite laws in general—prefacing it by an examination of the Sadducean-Karaitic theory. The term "Karaite halakah" is used here as a convenient one, though, as Kırkısanı has unwillingly shown—and any Karaite code testifies to it—the laws on which all Karaites agree are few. The Karaite laws are discussed here not according to subject matter, but such as have common source are grouped together. I begin with Philo, as the relation of Karaite halakah to that of Philo has remained, to my knowledge, hitherto unnoticed. This relation, if established, may prove helpful in the understanding of other

points in the inner history of Judaism during the first centuries of Islam.

For the halakah of Philo, I have used the work of Dr. B. Ritter, "*Philo und die Halacha, eine vergleichende Studie*," from which most of the citations from Philo in this treatise are taken. Other Philonian laws, not treated by Ritter, are discussed here, but only as they bear on the Karaite halakah.

Not all the early Karaites claimed antiquity for their schism. This is evident from the reply of Salman b. Yeruham to Saadia's mention of their late origin (Pinsker, II, 19).¹ Another contemporary of Saadia, Abu Jusuf Yaḳub al-Ḳirḳisani, the most reliable historian among the Karaites, gives a date for what he calls the Rabbanite dissension: Jeroboam, to make permanent the power he had usurped and to prevent the Israelites owing allegiance to the house of David, divided the nation by sowing the seed of dissension, perverted the Law, and changed the calendar (I Kings 12, 32). The followers of Jeroboam in later times are called Rabbanites. Those who remained faithful to the original laws were the ancestors of the Karaites.² This fanciful explanation found no credence even among the Karaites.³

באמרו בעלי מקרא חדשים ורבותי הישנים הם קדושים . אם בעלי התועבות
comp. also Salman b. Yeruham's commentary on Ps. 96, 1 (Winter u. Wünsche, *Jüdische Literatur*, II, 80). See, however, Harkavy in Grätz, *Geschichte*, V⁴, 472. That not all the Karaite contemporaries of Saadia claimed antiquity for their sect is evident also from Saadia's fourth answer in his polemical work against Ibn Sāḳaweihī. "See *JQR*, XIII, 664; הקדם, I, 67.

² Comp. Poznański, *REJ.*, XLIV (1902), 162 ff.

³ It was, however, taken up again by the twelfth century Karaite, Eḳias b. Abraham, in his חלוקי הרבנים והקראים (Pinsker, II, 100 ff.). He

The Karaites felt keenly the need of some account of their origin that would silence the reproach of the Rabbanites and found in the event recorded in the Baraita (Kiddushin 66a; see Josephus *Ant.*, XIII, 13, 5) a basis for claim of ancient origin for their sect. As stated in that narrative, the disagreement between John Hyrcanus and the teachers of the Law resulted in the extermination of the latter, excepting Simeon b. Shatah. As a consequence, ignorance of the Law prevailed until Simeon appeared and reinstated it.

והיה העולם משתומם עד שבא שמעון בן שטח והחזיר את התורה לישראל
Simeon, say the Karaites, being at that time the sole authority, introduced many innovations upon his return and changed the true interpretation of the Law. To enforce these new laws, he invented the fiction that besides the Written there is also an Oral Law given to Moses on Sinai and handed down from generation to generation, and that the laws proclaimed by him went back to this real tradition.

The people followed him blindly. But some of them, knowing the false basis of these changes, rejected them and adhered to the ancient Tradition in all its purity; those were the Karaites.⁴

מעבר adds that those who remained faithful to the original faith migrated לנהרי כוש and only few of them, because of their attachment to the Temple, remained in Jerusalem. Yet, as Pinsker (II, 98) remarks, Elias himself put little confidence in this myth. For the origin of this legend, see A. Epstein *Eldad ha-dani* (Pressburg 1891), p. 1. For later Karaites repeating this story, see Poznański, *l. c.*, p. 163; comp. *ZfHB.*, III, 92 (end) and 93, for the view of a tenth century Karaite (comp. *ib.*, 90 and 172 ff.).

⁴ As a striking instance of the purely mythological character of the Karaite beliefs about their origin and past, I shall illustrate the three strata in the development of the last mentioned Karaite theory of their origin. Sahl b. Masliah (tenth century) asserts that Karaism goes back to the time of the second Temple, but connects it with no specific event (Pinsker, II, 35). This is still the opinion of Aaron b. Elias (fourteenth century)

On the other hand, most of the Mediæval Jewish scholars seem to agree that Karaism was due to a revival of the Sadducees (Abraham Ibn Daud) or that Sadducean elements are prominent in it (Saadia, Judah Halevi). Saadia Gaon (891-942) was the first to meet the Karaites in open battle⁵ and refute their claims for recognition. He states that Karaism is of recent origin (Pinsker, II, 19) and that Anan's breaking with Tradition was due entirely to

in Introduction to his *כתר תורה*, 4a. Elias b. Moses Bashyazi a century later connects the schism with the name of Simeon b. Shataḥ and exclaims: *או שהיה שמעון בן שטח נהרג כשאר החכמים שנהרגו היינו כלנו לעם אחד* (intr. to *אדרת אליהו*, Goslow 1834, 3a.). He is followed by his disciple Kaleb Afendopolo in his *עשרה מאמרות* (quoted in *דוד מרדכי*, Wien 1830, 9a). The sixteenth century Karaite prodigy Moses b. Elias Bashyazi (born 1554 and said to have died 1572) amplified this tale by asserting in his *מטה האלהים* (quoted in *דוד מרדכי*, 9b ff.) that Judah b. Ṭabbai, who had also survived the king's wrath, opposed the innovations introduced by Simeon b. Shataḥ as also his fiction of an oral law. Judah attracted to his banner all those who remained faithful to ancient traditions. Simeon and Judah each became the head of a school, thus dividing the Jews into two factions. Simeon was succeeded by Abṭalion, Abṭalion by Hillel who systematized the new laws based on the fiction of the Oral Law. Judah b. Ṭabbai was followed by Shemaiah, and Shemaiah by Shammai; those two being the great Karaite teachers from whom the line of succession was never interrupted. Already Jepheth b. Said asserted that Shammai was the teacher of the Karaites (Pinsker, II, 186; comp. *ib.*, I, 6); see also Luzzatto, *כרם חמור*, III (1838), 223; Geiger, *ib.*, IV, 12; Gottlob, *תולדות הקראים*, Wilna 1865, 5 ff. How foreign this idea was to the early Karaites, is seen from what Salman b. Yeruham says of Bet Shammai and Bet Hillel (*ZfḥB.*, IV, 117): *תועבת ה' גם שניהם*.

⁵ We know of two Rabbanites who combated Karaism before Saadia: the Gaon Naṭronai b. Hilai (*סדר רב עמרם*, 38a) and the Gaon Hai b. David (Harkavy, *Studien u. Mittheilungen*, V, 108, n. 2; comp. Bornstein, *ספר היובל לנחום סאקאלאו*, Warsaw 1904, 158, n. 2, who believes this Gaon to have been Hai b. Naḥshon). For anti-Karaite legislation by Jehudai Gaon see L. Ginzberg, *Geonica*, I, 111, n. 2. For Saadia's anti-Karaite writings, see Poznański, *JQR.*, X, 238 ff., and additions, *ib.*, XX, 232 ff.

personal motives (*ib.*, 103).⁶ Yet he adds that the remnants of Zadok and Boethus joined Anan (*l. c.*). About two centuries later, a time which was decisive in the battle between traditional Judaism and the Karaites,⁷ the three great lights of Toledo, Judah Halevi, Abraham Ibn Ezra, and Abraham Ibn Daud, each strove to check the Karaite propaganda in Spain⁸ carried on at that time with great zeal by Ibn al-Taras, the disciple of Jeshua b. Judah, and they all assert that Karaism is an offshoot of Sadduceeism. Judah Halevi declares that the Karaite schism arose in the time of John Hyrcanus. The Karaites, says he, are superior to the Sadducees in questions of dogma, but agree with them in important religious questions.⁹ Abraham Ibn Ezra also identifies them with the Sadducees. In his commentaries on the Bible, which are strongly anti-Karaitic, he usually styles them¹⁰ צדוקים. More emphatic is Abraham Ibn Daud in his *Sefer Haḳḳabalah*, where he says that "after the destruction of the Temple the Sadducees dwindled to almost nothing until Anan appeared and strengthened them."¹¹ Likewise, Maimonides, commenting

⁶ That Saadia is meant by ולבן דתכם אשר חרף, see Pinsker, p. 98; comp. Poznański, *JQR.*, X, 242.

⁷ Comp. Frankl, *MGWJ.*, XXI (1882), 3 ff.

⁸ Spain was from early Gaonic times infected with Karaism; comp. Ginzberg, *l. c.*, I, 123, note 1; Frankl, *MGWJ.*, 1888, 6 ff.; and Poznański, *JQR.*, XVI, 768-9. Against the view of Hirschfeld (*JQR.*, XIII, 225 ff.) that some relation existed between the Karaites and the Zahirites in Spain, see Goldziher, *REJ.*, XLIII (1901), 6-7.

⁹ Kuzari, III, 65. Judah Halevi's view is shared by Abrabanel, נחלת אבות, and S. Duran, מִגֵּן אֲבוֹת on Abot 1, 3, and II, 21a; 31a.

¹⁰ Neubauer, *Mediaeval Jewish Chronicles*, I, 64.. The variant מינים does not affect the meaning of the statement.

¹¹ Introduction to his Commentaries on the Bible; Lev. 3, 9; 23, 17, 40. As to the relation of Ibn Ezra to the Karaites, see J. S. Reggio, אנדרות יש"ר, I (Wien 1834), 42 ff.; see also D. Rosin, *MGWJ.*, XLIII, 76-7.

(Abot 1, 3) on the dissension of Zadok and Boethus, adds: "In Egypt they are called Karaites, while in the Talmud they are named Sadducees and Boethusians."¹²

Elias b. Moses Bashyazi, a fifteenth century Karaite, tells us, in the introduction to his *אורח אליהו*, 3a, that it is the opinion of all the Rabbanite scholars that the Karaite schism goes back to Zadok and Boethus.

Much confidence, however, was not placed in this testimony of the Mediæval Rabbanites, that the Karaites descended from the Sadducees, as it is evident that the Rabbanites were often actuated by the desire to stamp their opponents in the eyes of the people as descendants of that hated sect which denied divine Providence and resurrection.¹³ In the middle of the last century Abraham

¹² See his commentary on *Hullin* 1, 3. On the views of Maim. on the Karaites, see *ספר היוכל למשה בלאך* (Budapest 1905), Hungarian part, 164-170; see also the other authors mentioned by Poznański, *REJ.*, *ib.*, 170, to which may be added *Estori ha-Pharḥi נפתר ופירא*, end of ch. 5 (ed. Luncz, p. 61); David Abi Zimra, *Responsa*, IV, resp. 219; Meiri on Abot 1, 3. See also *Responsum* No. 34 in the Gaonic collection *שערי חשוכה*: *ורוב מן החיצונים תלמידי ביתוס*.

¹³ Comp. David Messer Leon (published by Schechter), *REJ.*, XXIV, 126. See Weiss, *דור דור ודורשין*, IV, 53. Joseph al-Baṣir is the only one among the Karaites who identifies the Karaites with the Sadducees (Poznański, *l. c.*, p. 170). Kırkısani states that the Sadducees revealed part of the truth and that there were no Sadducees in his days (ch. 18, p. 317). Jepheth b. Ali (Poz., *ib.*, 171-2) and Hadassi (Alphabeta 97, 98) speaks of the Sadducees with contempt. The statement by Jacob b. Reuben (Pinsker, II, 84) that the Karaites are the descendants of the Sadducees was, therefore, taken by him from Joseph al Baṣir's *אמסתבצאר* and not from Jepheth b. Ali, as Harkavy (Grätz, *Geschichte*, V⁴, 474) suggests. Nor is Harkavy (*l. c.*) right in his assertion that Elias b. Abraham shared this view. See above note 3. Comp. also Pinsker, I, 11-12. The later Karaites claimed that the imputation that they were in some way related to the Sadducees was due to the hatred the Rabbanites bore them. See Kaleb Afendopolo, quoted in, *דור מרדכי*, 2b.

Geiger attempted to prove historically the descent of the Karaites from the Sadducees,¹⁴ and this view constitutes an essential part of his epoch-making theory concerning the internal development of post-exilic Judaism and the history of Jewish sects. His view is accepted by Holdheim,¹⁵ Fürst,¹⁶ Harkavy,¹⁷ Chwolson,¹⁸ and others. A general survey of Geiger's theory¹⁹ will help us better to understand the questions involved.

From the earliest times, says Geiger, two distinct, or, rather, antagonistic currents were at work shaping the history of Judaism. The dualism revealed itself in olden times in the divided nationality of Ephraim (or Joseph) and Judah. Ephraim constituted a worldly kingdom, in constant contact with the neighboring nations and, therefore, in need of a sacrificial and ceremonial religion and a powerful priesthood to protect it from the surrounding heathen influences. Judah, on the other hand, constituted a kingdom politically insignificant, compact and isolated, and less susceptible to foreign influences, with one national sanctuary and a less developed priesthood.²⁰ Judah escaped the fate of Ephraim and awoke to new life in the sixth

¹⁴ *Des Judenthum u. s. Geschichte*, II, 55 ff.; *Jüd. Zeitschrift*, VIII, 227-233; *Nachgelassene Schriften*, II, 135 ff.; *Urschrift*, index, s. v. "Karaiten"; and elsewhere.

¹⁵ *מאמר האישות*, Wien 1861, 128 ff.

¹⁶ *Geschichte d. Karäerthums* (Leipzig 1862), I, 8 ff.

¹⁷ In Russian periodical "Woschod," 1896, and elsewhere; comp. *id.*, *לקורות הכתות בישראל*, 4, 19.

¹⁸ *Das letzte Passamahl Christi* (2 ed., Leipzig 1908), pp. 148, 176 ff.; *id.*, *Beiträge zur Entwicklungsgeschichte d. Judenthums* (Leipzig 1910), p. 8 ff.; comp. V. Aptowitz, *Die Rechtsbücher d. nestorianischen Patriarchen*, 1910, pp. 7-8.

¹⁹ For a more detailed account see Poznański, *Abraham Geiger, Leben u. Lebenswerk*, Berlin 1910, 352-388.

²⁰ *Jüd. Zeitschr.*, VIII (1870), 279 ff., and elsewhere.

century B. C. With this new life came a struggle, in which priestly aristocracy and sacerdotal rule were antagonized by tendencies towards religious and political democracy that asserted themselves more and more. Since the establishment of the second commonwealth the priests ruled the nation. There stood at the head of the state a high-priest, descendant of the family of Zadok, the chief of the priesthood in the days of David and Solomon (I Kings, I, 34; 2, 35; I Chron. 29, 22), members of which had exercised priestly functions ever since the building of Solomon's Temple. This family and those related to it constituted the nobility of the nation and since the Return controlled the secular as well as the religious life of the people.

This power, blended with the attribute of holiness, soon led the priestly ruling class to disregard the needs and demands of the people. They stood for the ancient laws and observances, which established and asserted their rights and prerogatives, admitting no modification which the times required. They also allied themselves with the Syrians and cultivated tastes and habits distasteful to the people.²¹ With the victory of the Maccabees the government and the high-priesthood passed over to the latter, the Sadducees, the old nobility, joining them. An opposition against them arose among the people, the leaders of which were known as the "Separated" (*Perushim*), descendants of those who in the days of Zerubbabel and again in the

²¹ *Ib.*, p. 282 ff.; *Jüd. Zeitschr.*, II, 17 ff.; *ZDMG.*, XIX, 603 ff. An offshoot of the Sadducees, and united with them were the Boethusians, a new aristocratic priestly family called after Simon b. Boethus, high-priest and father-in-law of Herod I (*Urschrift.* 102, 134 ff., 143 ff.). Herzfeld, *Geschichte*, II, 387, accepts the view of Azariah dei Rossi that the Boethusians are the Essenes spoken of by Philo and Josephus. See also *REJ.*, III, 113 ff.

time of Ezra separated themselves from heathen surroundings and influences (Ezra 6, 21; 9, 1; Neh. 9, 2). Their aim was to limit the power of priestly aristocracy and turn the government over to the people. The Pharisees recognized the sanctity of priesthood, but contested the centralization of secular power in the hands of the sacerdotal-aristocratic families.

The difference between these two parties, originally small and of a general nature, widened in time. The spirit of rivalry in this politico-religious struggle brought about laws and regulations on the part of the Pharisees intended to check the authority and diminish the privileges of the priests. Personal purity and sanctity of all the people were to take the place of the sanctity of priesthood. The Pharisees devised new rules of interpretation which enabled them to limit and restrict the biblical laws establishing priestly rights. On the other hand, many laws of purity and observances concerning food, originally intended for the priests and the Temple, they made apply to all the people in and outside of the Temple.²² So the Pharisees did not adhere to the letter of the Law, but taught and expanded the Law with regard to its inner spirit and the needs of the time, whereby they created a new Halakah differing in content as well as in spirit from the ancient, Sadducean, tradition.²³ The majority of the people followed the new Halakah, but the Sadducean teachings found acceptance outside of Judah proper. The Samaritans, descendants of Northern Israel, were not allowed by the leaders of the national party in the time of Zerubbabel to participate in the further development of Judaism (Ezra

²² *Jüd. Zeitschr.*, VI, 265 ff.

²³ *Urschrift*, 156 ff., 176, 434 ff.; *Nachgelassene Schriften*, II, 121 ff.; V (Heb.), 112 ff., 142 ff. and elsewhere.

4, 1 ff.). The ancient feud between Ephraim and Judah thus revived. The rejected Samaritans who retained the ancient Israelitish tradition as well as the ancient interpretation of the Law, clung, like the Sadducees, to those traditions and stood for priestly prerogative, characteristic of the religion of Northern Israel and the Sadducees. This accounts for the many practices and interpretations of the law that are common to the Sadducees and the Samaritans.²⁴

But, even in Judah, only the political antagonism between the Pharisees and the Sadducees ceased with the destruction of the Temple. The Sadducees, whose existence as the priestly aristocracy and ruling class depended upon the state and the Temple, ceased to control the life of the people. But the religious differences between these two parties did not disappear.

The victorious Pharisees, who ruled the day, rejected all traditions, preserved by the Sadducees, which tended to affirm the exclusive rights of the priests, and the whole body of traditional law was now made to conform to their views. Not all the Pharisaic teachers, however, agreed to these radical changes, and some of them retained their allegiance to the pre-Pharisaic Halakah. Notably among them are Shammai and his school represented by R. Eliezer b. Hyrcanus and Jose the Galilean.²⁵

But official Pharisaism did not heed them. It established as a religious norm the interpretations and laws which emanated from the school of Hillel, the great cham-

²⁴ *Nachg. Schriften*, III, 258 ff., 284 ff.; IV, 65; V (Heb.), 149 ff.; *ZDMG.*, XII, 132 ff. and elsewhere.

²⁵ *Jüd. Zeitschrift*, VIII, 283 ff. and elsewhere; comp. Hoffmann, *Magazin* 1884, 19.

pion of Pharisaism, who began the systematization of the new Halakah. Hillel's work was firmly established by R. Akiba and brought to completion by Judah Ha-nasi. Two centuries later the center of Judaism was transferred to Babylonia, and soon all consciousness of an earlier and differing Halakah disappeared.²⁶

Zealously as the Pharisees of the school of Hillel worked to exclude and annul the laws and traditions tainted with Sadducean views, traces of the latter are still found in some of the apocryphal books; in the Greek version of the Scriptures (LXX); in the Aramaic version, Pseudo-Jonathan;²⁷ in the halakic midrashim from the school of R. Ishmael, himself a priest and with priestly sympathies,²⁸ and, to a lesser extent, in the later Palestinian halakic works, 'Tosefta and 'Talmud Jerushalmi.²⁹

But not only are we able to reconstruct parts of the Sadducean Halakah through the traces in these works, but the Sadducean tradition is still alive, its laws are observed and its practices carried out by their descendants, the Karaites; not only are they the followers and spiritual heirs of the Sadducees, but their physical descendants. Doctrines and practices adhered to and observed by a nation do not disappear at the desire of its leaders. Nor were the Sadducees annulled. The descendants of the once dominant party continued to live according to the traditions of their ancestors. The religious unrest prev-

²⁶ *Jüd. Zeitschrift*, VIII, 284 ff.

²⁷ *Urschrift*, 451 ff.; *Nachg. Schriften*, IV, 108 ff.; V (Heb.), 112 ff.; see below.

²⁸ מְכִילָתָא and סְפָרִי; *Urschrift*, 434 ff.; *Jüd. Zeitschr.* IV, 96 ff.; VIII, 284; IX, 8 ff.; XI, 51 ff., and elsewhere.

²⁹ See *Jüd. Zeitschrift*, VIII, 291 ff. For the Jerushalmi comp. *MGWJ.*, 1871, 120 ff.

alent in the Islamic world in the eighth century caused them also to unite and defy their old enemies, the Pharisees. Their leader Anan gave them his name, which was, however, soon changed to the appellation קראים or בני מקרא.

Karaism is, thus, not to be looked upon as a late-day revolt against the authority of Tradition caused by outside influence, but is a survival in a somewhat modified form (as by belief in resurrection) of the pre- and anti-Pharisaic tradition.³⁰

³⁰ D. Chwolson in his *Beiträge zur Entwicklungsgeschichte d. Judenthums* (Leipzig 1910) goes further than Geiger, and asserts that long after the destruction of the Temple, the Sadducees were predominant (pp. 10-22). He bases this view on the assumption that during the time of the Second Commonwealth the Sadducees constituted not only the priestly and secular aristocracy, but also the bulk of the people, their disappearance with the destruction of the State being therefore inconceivable (p. 23 ff.).

Chwolson also believes that it was the people who remained faithful to the Sadducean tradition who are designated in the talmudic literature by the name עם הארץ. This accounts for the mutual hatred that existed between the Am-haareş and Pharisaic teachers (p. 9). Chwolson adduces the talmudic account (b. Berakot 47b and parallel) of the ceremonies the non-observance of which characterized the Am-haareş, as proof of the latter being identical with the Sadducees. It is there said that the Am-haareş does not read the *Shema'*; that he does not put on the *phylacteries*; that he does not wear *fringes* on his garments and that he has no *Mezuzah* on his door. Now the Karaites even up to this day observe none of these ceremonies. Some relationship must exist between the Am-haareş and the Karaites. As the Karaites are, Chwolson believes, descendants of the Sadducees, a relationship is established between the Am-haareş and Sadducees.

The facts are, however, not as Chwolson puts them. The Karaites have never rejected the biblical precept of ציצית, even if they differ as to the meaning of תכלת and some other details; see, for Anan, Harkavy, ספר המצות לענן, pp. 7-10, and Schechter, *Jewish Sectaries*, II, 25, 1-26, 17; Hadassi, Alph. 241 and 364 (136b); Mibhar, Num., *ad loc.*, גן עדן, 80b ff.; לבוש מלכות (Neubauer, *Aus d. Petersburger Bibliothek*), 49a ff.; comp. also Ibn Ezra on Num. 15, 38, 39. Nor is it likely that the Karaites have even denied the duty of reading the *Shema'*. Abu Isa Isfahani, from whom Anan borrowed several laws (comp. Poznański, *REJ.*, XLIV (1902), 178), taught, according to Kırkısani (comp. Harkavy, לקורות הכתות בישראל, 9).

The reliability of the traditional account of the origin of the Sadducees and Boethusians (Abot de R. Nathan, ch. 5), rejected by Geiger (*Urschrift*, 105 ff.) as an apocryphal legend, was vindicated by Baneth in *Magazin*, IX (1882), p. 1-37; 61-95, where is also shown how far the view of Geiger—that the Sadducees did not reject Tradition but adhered to a more ancient interpretation of the Law—contradicts the explicit statements of Josephus (*Ant.* XIII, 10, 6; XVII, 1, 4) and all the Talmudic accounts about them.²¹

Before we enter into a discussion of the agreements between the Sadducees and the Karaites which serve Geiger as proofs of the relation of the latter to the former, a few words will not be amiss on the general difficulties connected with the hypothesis, which were ignored by

the duty of reading the *Shema'*, Its reading is enjoined by the later Karaites; see Hadassi, *Alph.* 15 (15d); *אדרת אליהו*, 59c; see Weiss, *דור*, IV, 88; L. Löw. *Ges. Schr.*, I, 50. Neither can the Am-haareṣ be identified with the Sadducees by his non-observance of the law of Tefillin. The Sadducees accepted the literal interpretation of Deut. 6, 8 (see Weiss, I, 118; Fürst, *Geschichte d. Karäerthums*, I, 10; Graetz, III, 3, 395; comp. also Müller, *Masechet Soferim*, p. 21, note 66). The name *צדוקי* in *Menahot* 42b *ספר צדוקי* in *Menahot* 42b *צדוקי* misled Wreschner (*Samaritanische Traditionen*, Berlin 1888, intr., p. VIII) and J. A. Montgomery (*The Samaritans*, Philadelphia 1908, 136) to believe that the Sadducees interpreted Deut. 6, 8 symbolically. *צדוקי* in *Menahot* (l. c.) is, as often in the Amoraic literature, equivalent to *מין*, or was, as usual, substituted therefor by the censor. The parallel passage (*Gitṭin* 45b) reads *מין* instead of *צדוקי*, which is also the reading of Estori ha-Pharḥi, *כפתר ופרח*, end of ch. 5. Harkavy (*לענין* *ספר המצות*, 142, n. 12) believes that Anan interpreted Deut. 6, 9 literally but referred *וכתבתם* to the *עשרת הדברות* a view which is held also by the Falashas (Epstein, *Eldad ha-Dani*, 174).

²¹ Comp. also Wellhausen, *Die Phariseer u. die Sadducäer*, Greifswald 1877, 73; G. Hölscher, *Der Sadducismus*, Leipzig 1906, pp. 9, 33 ff., 107 ff. The general nature of the Sadducees was recently thoroughly discussed by I. Halevy in his *הראשונים*, vol. Ic, pp. 358 ff.

Geiger. Geiger believes that all the differences between the Pharisees and the Sadducees may be brought under one unifying principle, viz., the advocacy of priestly interests by the Sadducees. But if this was the distinctive mark of the Sadducees, what import could this tendency have had many centuries after the destruction of the Temple, when there was no more priestly aristocracy nor prerogative? And how could this issue sustain and keep alive Sadduceism under the appellative קראים until to-day? Nor can we comprehend how Karaism whose basic principle since the days of its first exponent Anan was חפשו באוריינתא שפיר "Search the Scripture,"³² interpret it according to your own reason, and act accordingly," ignoring tradition,—how Karaism could have descended from Sadduceism which, as Geiger himself asserts, was by its very nature conservative, adhering stringently to ancient tradition.

This Sadducean-Karaite theory of Geiger is closely connected with his hypothesis concerning the existence of an ancient Halakah related to the Sadducean and which was therefore suppressed by the later Pharisees, a view that has been accepted by many scholars. A brief discussion of this hypothesis in relation to Karaism is given here.

The Targum Pseudo-Jonathan on the Pentateuch is, as Geiger (*Urschrift*, 162 ff., 451 ff.; *N. S.*, IV, 106 ff.; V (Heb.), 112 ff.) believes, the main depository of remnants and traces of this ancient Sadducean-Samaritan-Karaite Halakah. Ps.-Jon., being a product of Palestine at a time when the more ancient Sadducean traditions had not altogether died out there—though changed to conform to the New Halakah—, still contains much which goes back to

³² Harkavy לענין המצות, 132, 176; so Sahl b. Maṣliḥ (Pinsker, II, 33-4); comp. Poznański, *REJ.*, XLIV (1902), 180 ff.

those ante-Pharisaic traditions. As proof of this view, Geiger (*Urschrift*, 176 ff.) attempted to show that several Karaite anti-traditional laws are found among the Samaritans and in Ps.-Jon. The following are the main points of agreement which Geiger finds between the Karaite law and the Targum Pseudo-Jonathan and which he therefore believes to be survivals of the ancient halakah.

According to the traditional interpretation of Lev. 19, 24, the fruit of a tree in its fourth year is, like the "second tithe," to be consumed by the owner within the walls of Jerusalem. This is also the view of Josephus, *Ant.*, IV, 8, 19. Pseudo-Jonathan, however, translates פְּרִי קֵדֶשׁ הַלֵּלִים לַה' (Lev. 19, 24) by קֹדֶשׁי תוֹשְׁבַחַן קֶרֶם ה' מִתְּפָרֵק מִן כְּהֵנָּה; so also on Deut. 20, 6.³³ The Samaritans and Karaites also take קֵדֶשׁ הַלֵּלִים to mean that it is to be given to the priest or redeemed by its owner. Geiger (*Urschrift*, 181-184) believes this to have been the view of the ancient Halakah. Since this interpretation agrees with the plain meaning of קֵדֶשׁ הַלֵּלִים (comp. Ibn Ezra *ad loc.*), there is no necessity to assume with Geiger that this interpretation by some ³⁴ Karaites goes back to an ancient tradition.

³³ Comp. Epstein, *MGWJ.*, XL (1896), 142; Gronemann, *Die Jonathan'sche Pentateuch-Uebersetzung in ihrem Verhältnisse zur Halacha*, Leipzig 1879, 48. For the view of the Book of Jubilees 7, 35-7, see B. Beer, *Das Buch d. Jubiläen*, 43-44.

³⁴ Not all the Karaites, as Geiger (*Urschrift*, 182) thinks; see אֲרֵרַת אֱלִיָּהוּ, 70a, and כֹּתֵר תּוֹרָה, Lev. 54a. Geiger refers to Mibḥar, *ad loc.* Aaron b. Joseph, however, contradicts himself; see Mibḥar, Num. 4b: וַאֲשֵׁר אֶת קִדְשׁוֹ : כִּגּוֹן מַעֲשֵׂר שְׁנִי וְנִמְעַר רִבְעִי וְהַשְׁלָמִים שֶׁהֵם לְבַעֲלִים כִּמוֹ שִׁירַת כֶּסֶף נִשְׁטַע רִבְעִי (comp. however, the super-commentary on Mibḥar, Deut. 16a, letter 109. The view that קֵדֶשׁ רִבְעִי belongs to the priest is held by Samuel al-Magrabi (M. Lorge, *Die Speisegesetze der Karäer von Samuel el-Magrebi*, Berlin 1907, 23, end). Geiger finds this view also in p. Soṭaḥ 8, 5; but see Pineles, דְּרִכָּהּ שֶׁל תּוֹרָה, 176 ff., and Gronemann, *l. c.* For the meaning of that passage see also N. Z. Berlin, in Halevy's דִּוְרוֹת

According to Tradition, two tithes were to be taken every year (except the sabbatical year). The "first tithe" (Num. 18, 21 ff.) and the "second tithe" (Deut. 14, 22 ff.) are to be taken in the first, second, fourth, and fifth years; the "first tithe" and the tithe for the poor (Deut. 26, 12 ff.) in the third and sixth years of every cycle of seven years. Geiger (*Urschrift*, 176 ff.) contends that the ancient Halakah required the taking of all these three tithes in the third and sixth years, as the Karaites hold.³⁵ He

ענינים שונים הנוגעים לתקופות, III, 313-4; comp. also Poznanski, *להקפות*, 16 ff. Hadassi (Alph. 205 (18c) and 303 (112d)) also holds that the fruits of the fourth year belong to the priests. As was pointed out already by Maimonides (מאכלות אסורות 10, 18) the mistaken view of some Geonim that the fruits of the fourth year are not to be eaten—even when redeemed—during the fourth year was caused by Lev. 19, 25: *ובשנה החמשה* which seems to prohibit the enjoyment of the fruits of the fourth year during that year (Tosafot Rosh ha-shanah 10a, s. v. *ופירות*; *ו*פירות; *ו*פירות to Maaser Sheni 5, 1 and Asheri, *ה' ערלה*, end, quote this view from Halakot Gedolot. See also She'eltot No. 10, but see Kaminka, *חקרים*, II, 21). This accounts also for the interpretation of verse 24 by Ps.-Jon., many Karaites, and even Ibn Ezra (*ad loc.*) to mean that the fruits of the fourth year are to be given to the priests and that the owner is to enjoy the fruits of the fifth year (v. 25). For the view of Geiger see also *Jüd. Zeitschrift*, II, 183; *Nachgel. Schr.*, IV, 38, 107.

³⁵ Not all; see *בית תורה*, Deut. 18a: *ויש מבועלי מקרא אומרים שבשנה ראשונה ושנית נותן שתי מעשרות ובשלישית מוציא שלש מעשרות תוספת מעשר עני*; comp. H. Olitzki, *Flavius Josephus und die Halacha*, Berlin 1885, 16-19. See also Mibhar, Deut., 12a; 23b; and *מירת כסף* to the last mentioned place, letters 27-28. According to Anan (Schechter, *Jewish Sectaries* II, p. 5 ll. 10-19) two tithes are to be taken every year. This seems to be the meaning of his words: *ובארץ יש' מפרשינו [מנחן] ב' ב' מעשר חד מעשר ללוים וחד מעשר אכלין ליה מ[רואתיהו] דכ' עשר תעשר וג' ואכלת לפני יי' אלהיך ב' א' ו' לשכן שמו ש[ם והא] מעשר ישראל אכלין ליה דקא אמא ואכלת לפני יי' אלהיך והלא מע[שר ללוים] דכ' ולבני לוי אלא על תנין מעשר קאים מישום האכי אקד[ם עשר תעשר] בתרין לישאני לאפרושי תרין מעשר חד מעשר ללוים וחד מעשר כתר [אכלין] בעלים בבית המקדש כי היכי דאמרין ויש אומרים שבשנה שלישית מה שיותר מן המעשרות ראשון on Deut., 18a:*

bases this opinion on Tobit 10, 7, 8 (against which see F. Rosenthal, *Vier Apokryphische Bücher*, Leipzig 1885, 117, note), Josephus *Ant.* IV, 8, 22, Sifre to Deut. 12, 17; 14, 28 (against which see Weiss, דור דור וד', I, 126, note); but mainly on Ps.-Jon. to Deut. 26, 12-13: ארום חשיצון לעשרא ית כל מעשר עללתך בשתא תליתא דשמיטא ותתנן מעשרא קמא לליואי מעשרא תנינא הוא מעשר מסבינא לניוריא ליחמא ולארמלתא וייכלן בקרווך ויסבעון: ומעשר תליתא תיסק ותיכול קדם ה' אלהך ותימר הא אפרשנן קודשיא מן ביתא ולחוד יהבנן מעשרא קמא לליואי מעשרא תנינא לניורי ליחמא ולארמלא הי ככל תפקידתך דפקידתני לא עברית חדא מן פקודייך ולא אנשיית. As was already pointed out by M. Olitzki (*Flavius Josephus und die Halacha*, 18, note) and Bassfreund (*MGWJ.*, XL, 1896), 5 ff.), there is nothing in Ps.-Jon. to these two verses to justify the view of Geiger. What Ps.-Jon. adds to the translation of the text is entirely in agreement with tradition (Sifre, II, 109 and 302) that in the שנת הבעור all the tithes from the last three years must be removed, the first tithe given to the Levite and the "second tithe" carried to Jerusalem. (See also on the whole Pineles, דרכה של תורה, 173-6, and Gronemann, p. 161 ff.).³⁶

ס' המצות) ושני מוציאם בשער הלוי לוקח שלו והעני מן השני (לענן 142, note 18) that Ibn Ezra on Deut. 14, 28 meant Anan and the Karaites is thus proved erroneous; comp. also Book of Jubilees 32, 11. For a full refutation of the view of Geiger, see Bassfreund, *MGWJ.*, XL (1896), 5-8.

³⁶ Geiger, on the basis of his theory that R. Eliezer b. Hyrcanus and R. Ishmael represent the ancient Halakah related to Sadducean Tradition (see above), sees also in every agreement of Ps.-Jon. with the interpretation of R. Eliezer or R. Ishmael ancient laws, which were changed by the school of R. Akiba (*Urschrift*, 447, 472 ff.; *Nachg. Schriften*, IV, 106-7). It was however shown by Gronemann (119, note 2; see also 103, note; 139-140, notes; comp. also Epstein, *MGWJ.*, XL (1896), 142) that Ps.-Jon. does not always follow the interpretation of the school of R. Ishmael against that

An agreement between Pseudo-Jonathan and many Karaites, not noticed by Geiger, is their interpretation of Lev. 18, 21 למלך לא תתן להעביר as referring to marriage with a Gentile woman;³⁷ see Kırkısani II, 23; Hadassi (Alph. 324): פתרון ... ונ' למלך ונ'... פתרון: (Alph. 278, 313 and 364; see also כתר תורה *ad loc.* (49a). This interpretation, though censured in the Mishnah (Megillah 3, 9; comp. תוספות יום טוב *ad loc.*), is given in the name of³⁸ תנא רבי רבי ישמעאל (Megillah 25a; p. Sanhedrin 9, 7, see also Sifre II, 171) and as Friedmann, *Bet Talmud*, I, 336-7 (comp. Ginzburger, *MGWJ.*, 1900. 6 ff.), points out, the Mishnah simply meant that this verse is not to be interpreted in public as it adds to the text.

of R. Akiba, his acceptance of the former being mostly conditioned by their being nearer to the plain meaning of the verse; comp. also the view of D. Hoffmann, *Zur Einleitung in die halachischen Midraschim*, pp. 74-76.

³⁷ This verse, as Frankel (*Einfluss*, 156) remarks, gave rise to many divergent interpretations. Anan also interpreted this verse allegorically; see Harkavy, *ספר המצות לענן*, 207, and Schechter, *Jewish Sectaries*, II, 32. The interpretation in the Book of Jubilees 30, 7-10 of this verse as referring to one who effects a union between a Jewish woman and a Gentile and that such action is punished by death is found also among the Karaites; so Samuel al-Magrabi (Book of Precepts called אלמרשר, a unique MS. of the Hebrew translation of the אלמרשר written in 1722 by Samuel b. Solomon ha-Kohen (see Pinsker, II, 144-5; Gottlob, בקרת לתולדות הקראים, 202, note) now in the library of the Jewish Theological Seminary of America), 222a: ויש אמרים כי הוציון בזה המאמר כי האדם מישראל לא יבעל אחת מן הגוים בין בזנות ובין בנשואים ויתן בה כנופת... וכן מי הוציא זרעו לאומות העולם בבעילתו או בזנותו באשה מהם או בחזוק איש מהם כי יבעל באשה מבני ישראל העושה המעשה הזה הוא מחלל שם ה' וגזר על העושה זאת ברגימה באבנים על ידי עם הארץ.

³⁸ Comp. Rashi, *ad loc.*; Aruk, s. v. ארם; S. L. Rapoport, *נחלת יהודה*, Krakau 1868, p. 231 ff.; Geiger, *Urschrift*, 304; *Nachg. Schriften*, IV, 106; Berliner, *Onkelos*, II, 88 ff. and literature quoted there.

The Karaites agree with Ps.-Jon. to Lev. i, 4 and 3, 2, against Sifra to 16, 21; Menahot 93a; Tosefta *ib.*, 10, 3 and Philo, II, 241 that סמיכת קרבן is with the right hand only. See Mibḥar, Lev., 3a: הימנית... בידו האחת יסמוך ואין סמיכה בשתי ידים רק על שער המשתלח ואשר אמרו בעלי הקבלה [בשתי ידים] הכתוב מתנבר על קבלתם. So also Mibḥar, Lev., 27a, and כתר תורה on Lev. i, 4 (3b, end). But see D. Hoffmann, *Zur Einleitung in die halachischen Mid-raschim*, Berlin 1887, p. 75, who contends that this interpretation of Ps.-Jon. (which is also favored by the משט see Ibn Ezra on Lev. i, 4) goes back to the school of R. Ishmael.

Ps.-Jon. translates אשה חרשה in Deut. 24, 5, against Sifre *ad loc.* and Soṭah 44a, by בתולתא חרתא. This is also the interpretation of אשה חרשה by many Karaites. See גן עדן, ובאמרו אשה חרשה רומז בזה שלא נשאת עדיין... אבל אלמנה: 154b, כתר תורה. או נרשה מן הנשואין לא תקרא אשה חרשה *ad loc.* (27b). See, however, Mibḥar *ad loc.* (20b). Samuel al-Magrabi (MS. 95a) states that the Karaites are divided on the interpretation of אשה חרשה. This deviation of Ps.-Jon. and some of the Karaites from the talmudic interpretation of אשה חרשה rests on the plain meaning of that word. See Ibn Ezra *ad loc.*; comp. Grone-mann, *l. c.*, p. 67.

While, as we have seen, the proofs adduced by Geiger do not establish relationship between the ancient Halakah, believed by him to be contained in Pseudo-Jonathan, and the Karaite Halakah, the following consideration, not hitherto noted, arises against any attempt at connecting the Karaite law with the ancient Sadducean Halakah which is believed to be represented in Ps.-Jon.:

slave is to be released (Ex. 21, 2; Deut. 15, 12) refers not to the Sabbath year (שנת השמטה), but to the seventh year from the commencement of their servitude.⁴⁰ Ps.-Jon., however, seems to interpret וּבִשְׁבַּעַת “the sabbatical year” (Ps.-Jon. to Ex. 21, 7; 22, 2; but see Ps.-Jon. to Ex. 21, 2 and to Deut. 15, 12). The Karaites differing among themselves on the laws of slavery agree with Tradition that וּבִשְׁבַּעַת refers to the seventh year of servitude. See ישראל שנמכר לא יעבוד יותר משש שנים: משאת בנימין 1d; Samuel al-Magrabi (S. Gitelson, *Die Civil-Gesetze der Karäer von Samuel al-Magrabi*, Berlin 1904, 2, line 1); Afendopolo's appendix to אדרת אליהו 9c: עבד שנמכר בשש שנים אם ביניהם שמטה אינו יוצא כי השנים האלו מעת ביאתו על סדר לא בשנות השמטה.

Geiger holds (*Urschrift*, 190 ff.) that the ancient Halakah did not distinguish between paid and gratuitous guardians, as does Tradition (B. M. 93a) but made the difference in responsibility depend on the nature of the goods entrusted. It referred Ex. 22, 6-8 to things light in which case the guardian is liable only for lack of ordinary care, and verses 8-13 to things heavy for which the

⁴⁰ So also Josephus (H. Weyl, *Die jüdischen Strafgesetze bei Flavius Josephus*, Berlin 1900, 122; Olitzki, *Magazin*, XVI (1889), 78). On the view of Philo, see Ritter, 59, and Weyl, *l. c.*, note 19. The Samaritans also interpret וּבִשְׁבַּעַת as the seventh year of the *servitude* (Klumel, *Mischpatim, Ein samaritanisch-arabischer Commentar zu Ex. XXI-XXII*, 15 von Ibrahim ibn Jakob, Berlin 1902, p. II). They disagree, however, with Tradition in referring Ex. 21, 2-7, to a proselyte (*l. c.*) a view which is also represented among the Karaites (Jepheth b. Ali quoted in Mibhar, Ex. 40a; בְּחַר תוֹרָה, Ex. 68b; אדרת אליהו (Odessa 1870), 189d; Samuel al-Magrabi (Gitelson, p. 1, 5). The Samaritans take ועבדו לעולם (v. 6) literally (Klumel, p. VII) as do also some Karaites (see אדרת אליהו, 90a; Samuel al-Magrabi (Gitelson, 5)).

guardian is responsible even if they were stolen. Ps.-Jon. taking vs. 9-11, against the talmudic interpretation (Mekilta, *ad loc.*; Baba Meši'a 94b) as referring to a gratuitous guardian בלא אגר נטיר and v. 11, with the Talmud, to a paid guardian דהוה ליה עמיה אגר נטיר, represents according to Geiger (*ib.*) an intermediate state in the development of the law of guardians.⁴¹

All the later Karaites accept fully the traditional interpretation of Ex. 22, 6-15 as referring to four kinds of guardians, so Mibhar, *ad loc.*, 44b-45a; בחר חורה, *ad loc.*, 75a-b; דין ארבעה שומרים, גן עדן, 182b-184c; Samuel al-Magrabi, MS., 136a ff.

Ps.-Jon. interprets Lev. 5, 1 against Tradition (Sifra *ad loc.*; Shebuot, ch. 4) as referring to one who is aware of another person swearing falsely or breaking an oath and conceals it (comp. Reifmann, *l. c.*, 313, and Hoffman, *Leviticus*, I, 199, note).⁴² The Karaites (בחר תורה and מבחר, *ad loc.*) interprets this verse like Tradition, as referring to שבעת העדות.

Geiger (*Urschrift*, 477) finds support for his view that according to the Sadducees all the work connected

⁴¹ See RaSHbaM on v. 6; comp. Reifmann, *Bet Talmud*, I, 219. The view of Gronemann, 77 ff., is improbable, comp. *ib.*, note. For Philo's and Josephus' interpretation of these verses see Ritter, p. 61 ff., and Weyl, p. 130 ff. Hadassi (Alph. 370) refers verses 6-10 to מטלטלין and verses 10-13 to בעלי חיים. Benjamin Nehawendi seems also to make this distinction (משאת בנימין, 2b) but contradicts himself. He says (*ib.*, 3b): המלוה חייב לשלם דמי העבדות ומשתלם חובו ממנו בעבור כי הוא דומה לשומר וחייב בגנבה לשלם דמי העבדות ואם שנאמר ואם גנב יגנב מעמו וגו' מטלטלין, thus referring verse 11 to מטלטלין.

⁴² Philo makes such reticence a *capital crime* (II, 275; Ritter, p. 47; comp. *Werke Philos*, II, 114, note 4). This interpretation of Ps.-Jon. seems to have escaped Ritter (*l. c.*).

with the Red Heifer was to be done by priests only⁴³ in Ps.-Jon. to Num. 19, 9. 18 **ויבנוש נבר כהין דבי** (comp. also Brüll, *Bet Talmud*, I, 270).

The Karaites, however, agree with Tradition in the interpretation of **איש טהור** see also Philo II, 253; and Mibḥar (*ad loc.*, 18b) records the opinion of some Karaites that even שרפת פרה (v. 5), which according to Tradition is **פסול בור** (see note 43), does not require a priest:

ויש אומרים השורף יתכן להיותו כהן או זולת כהן

Ps.-Jon. adds to **מחוץ למחנה יוציא** (Lev. 16, 27) the words **...יתפקן באסלין על ידיהון דטליא דכהניא** which is against the Halakah, as Büchler (*Die Priester und der Cultus*, 153) remarks. The Karaites agree with Tradition. See Mibḥar, *ad loc.* (28a):

י. יוציא אל מחוץ למחנה : יוציא המוציא ולא כהן

Ps.-Jon. differs from Tradition, Yoma 6, 6, in the interpretation of **ושלח את השעיר** (Lev. 16, 22) in ascribing the death of the goat to non-human agency. Geiger (*N. S.*, V, Heb., 115) believes this to have been the ancient interpretation (failing, however, to indicate the reason that

⁴³ Comp. Brüll, *Bet Talmud*, I, 273. Geiger (*l. c.*) quotes also Ps.-Jon. on verses 3, 5, 7, but in the interpretation of v. 5, Ps.-Jon. is in full agreement with Tradition, which also requires **שרפת פרה** to be by a priest (Brüll, *l. c.*, 271, n. 5, notwithstanding). See Parah 4, 4; Tosefta, 4, 6; Maim., **פירה ארומה**, 3, 2; 4, 17. The view that **שחיטה בכהן** (Ps.-Jon. on verses 3, 7) is represented also in Yoma 42a. As to the slaughtering of sacrifices in general if it need be by a priest, see Ritter, pp. 110-11; see also Büchler, *Die Priester und der Cultus*, 138 ff., and p. 101, n. 2, and p. 155, n. 2. See Yoma 27a and Zebahim 32a; see also Lev. Rabba 22, 4: **תני דבי ישמעאל לפי שהיו ישראל אסורים בבשר תאוה במדבר ... והכהן שוחט ומקבל**.

⁴⁴ See also Geiger, *Urschrift*, 173 (and Büchler, *l. c.*, 154) as to Ps.-Jon. Ex. 29, 37; 30, 29; against which see the just remarks of Gronemann, 48, note.

might have caused the change in the interpretation of this verse). The Karaite interpretation agrees with that of the Talmud. See Mibḥar, *ad loc.* (27b) ...ומשליכו משם, comp. also כתר תורה, *ad loc.*

According to Tradition שלמי נדר ונדבה (Lev. 7, 16-18) are eaten only two days and the night between (Sifra *ad loc.*; Zebahim 5, 7; Pesahim 3a; Maimon., מעשה הקרבנות, 10, 6). It construes וממחרת והנותר (v. 16) so that יאכל refers to ממחרת. Ps.-Jon. refers to יאכל to the night after the second day so that שלמים are eaten two days and two nights (comp. Ps.-Jon. to Lev. 19, 6). The Karaites are divided on this question. See Mibḥar, *ad loc.* (11b): ממחרת. שנאכלים לשני ימים ולילה אחד והנותר מבשר הובח ביום השלישי באש ישרא: ביום השלישי דבק עם באש ישרא לא עם והנותר... But see כתר תורה, *ad loc.* (18b): והנה שלמי נדר ונדבה: נאכלים לשני ימים ושתי לילות לא שני ימים ולילה אחת... הוא הדין גם בשלמי נדר שיום המחרת תופש גם הלילה של אחריו. In a fragment of a commentary on Lev. which Schechter published in his *Saadyana*, 144 ff., the author of which Schechter believes to be the famous ninth century Karaite Daniel al Kumsī, the same view is held (*ib.*, p. 146): "כן... נדר ונדבה יאכל ממחרת וליל שלישי..."

⁴⁵ Aaron b. Elias, however, contradicts himself. See גן עדן, fol. 39c, l. 7 from bottom: והשלמים נאכלין לשני ימים ולילה אחת. Philo, as is evident from the third reason given by him for the law of Lev. 19, 6 (II, 245), agrees with Ps.-Jon. See also Geiger, *Nachg. Schr.*, IV, 38; Reifmann, *Bet Talmud*, I, 314. Chwolson, *Das letzte Passamahl Christi*, 35, believes this to have been the Sadducean view; comp. *ib.*, 32, 34. The interpretation of Ps.-Jon. seems to have escaped Chwolson. Another Karaite view is found in the fragment mentioned in the text. Daniel says that the words אדם כי יקריב מכם קרבן (Lev. 1, 2) excluded Gentiles from bringing any sacrifices to be offered for them in the Temple. Other Karaites hold the same view (Mibḥar, Lev. 39a, and טירת כסף, *ad loc.*, כתר תורה 62a; but see תשוב דעת by the Karaite

Ps.-Jon. interprets **וְלֹא יִרְבֶּה לוֹ סוּסִים** (Deut. 17, 16) to mean that he should not have more than two horses (**לְחֹד**) which is against the talmudic interpretation that the King is not to keep more horses than he actually needs (Sifre, *ad loc.*, 105*b*; Sanhedrin 21*a*, comp. Brüll, *Bet Talmud*, II, 25-26). The Karaites agree with the talmudic interpretation. See Mibḥar, *ad loc.* (14*b*). **וְלֹא יִרְבֶּה לוֹ סוּסִים : אֵלֶּא כְּדִי מִרְכַּבְתּוֹ :**

Tradition interprets **וּמֵת הַנְּבִיא הֵהוּא** (Deut. 18, 19) as death by strangulation (Sanhedrin 10, 1; Sifre, *ad loc.*, 108*a*). Ps.-Jon. translates death by sword.⁴⁶ The Karaites agree with Tradition. See **כְּתַר תּוֹרָה**, *ad loc.* (22*a*): **אֵךְ הַנְּבִיא אִשֶּׁר יִזִּיד : זֶהוּ נְבִיא שְׁקֵר וְגַם יִכְלֹל מִי שְׁהוּא מִן מִגְנְבֵי דְּבָרִי הַשֵּׁם וְהַמִּתְנַבֵּא בְּשֵׁם עֲבוּדָה זָרָה וְהֵנָּה שְׁלַשְׁתָּם בַּחֲנֵק**.⁴⁷

As was already remarked by Jonathan Eibesbüchz (**אִוְרִים וְתוֹמִים**, 9, 2) Ps.-Jon. in his translation of Deut, 24, 1 **יִכְתּוּב לָהּ סֵפֶר תִּירוּכִין קֶדֶם בִּי דִּינָא** requires the presence of a court for the execution of a bill of divorce. The Karaites agree with Tradition (see Baba Batra 174*b*; Arakin 23*a*: **אִטּוּ כָּל דְּמִגְרִשׁ בְּבִי דִּינָא קָא מִגְרִשׁ**; but comp. **פִּירוּשׁ ר' נִרְשׁוּם**, *ad loc.*; see the literature in L. Löw, *Ges. Schr.*, III, 235-244) against Ps.-Jon. Anan requires the presence of ten, which constitutes a court according to the early Karaites (see *REJ.*, XLV, 67; 69 note) in case of marriage (**סֵה"מ לְעֵן**, ed. Harkavy, p. 113) but not for a divorce (*l. c.*, p. 119). See also Benjamin Nahawendi,

M. Sultanski, Goslow 1858, 118). The later Samaritans shared this view (Wreschner, 61-2). This Karaite law is based on no tradition; see Schürer, Division II, Vol. I (Engl. transl.), 299 ff.

⁴⁶ Ps.-Jon. interprets **יּוֹמָת** in Deut. 13, 6 also by **יִתְקַטֵּל בְּסִיפֵא**, which is against the Mishnah, Sanhedrin 10, 1.

⁴⁷ Aaron b. Joseph (Mibḥar, Deut. 15*a*) believes that death here is **בִּידֵי שְׂמִימִם**, basing his view on Jerem. 28, 16.

משאת בנימין, 6c, ll. 9-12, and גן עדן, 155b. Elias Bashjatzi ולכן התקינו בתי דינים שינתן: (אדרת אליהו, ע' נשים, פ' י"ב) [הגט] בב"ד כדי שיהיה הדבר מפורסם

It is, however, most probable that in many instances a writ of divorce would be given in the presence of a בית דין to insure legality and publicity, to which custom Ps.-Jonathan's קדם בני דינא may be due. In a recently discovered Assuan papyrus a bill of divorce is said to have been given בעדה. See *Jahrbuch d. jüdisch-literarischen Gesellschaft*, VII, Frankfurt a-M. 1910, p. 378.

Ps.-Jon. (so also Fragment Targum) interprets ובאת אל הכהן אשר יהיה בימים ההם (Deut. 26, 3) against Tradition (Bikkurim 3, 12; Sifre, *ad loc.*; so also Josephus, IV, 8, 22) as referring to the high priest (די יהוי). The Karaites agree with Tradition. See Mibḥar, *ad loc.*, 23a. So also כתר תורה,⁴⁸ *ad loc.* 29b).

⁴⁸ The Karaites, relying on Nehem. 10, 36, contend that the firstlings (בכורים) are to be offered from all kinds of earth and tree fruits (Mibḥar and כתר תורה, *l. c.*). According to Tradition (Bikkurim, 1, 3) they are offered only from the "seven kinds" enumerated in Deut. 8, 8. Philo states that they are brought from the fruits of trees (see *Werkes Philos*, II, 168, n. 2; but see Philo, II, 391); comp. also Book of Jubilees 21, 10 and Josephus *Ant.* IV, 8, 22.

(To be continued)